

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT

for the  
Western District of Michigan

FILED - GR

April 5, 2022 10:44 AM  
CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY:JMW SCANNED BY: KB / 45

FREDERICK STAMPONE

Petitioner

v.

THE STATE (PEOPLE) OF MICHIGAN

KENT CIRCUIT JUDGE CURT A. BENSON

Respondent

(name of warden or authorized person having custody of petitioner)

PROSECUTOR CHRISTOPHER BECKER

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: FREDERICK STAMPONE  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: KENT COUNTY CORRECTIONAL FACILITY  
(b) Address: 703 BALL AVE, N.E.  
\_\_\_\_\_  
(c) Your identification number: 00355599
3. Are you currently being held on orders by:  
☐ Federal authorities ☒ State authorities ☐ Other - explain: \_\_\_\_\_
4. Are you currently:  
☒ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
\_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☐ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1:22-cv-328

Sally J. Berens

U.S. Magistrate Judge

Case No. \_\_\_\_\_

(Supplied by Clerk of Court)

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☒ Pretrial detention☐ Immigration detention☒ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☒ Other (explain): I, PETITIONER AM BEING DENIED (DEPRIVED) MY  
RIGHTS TO A SPEEDY TRIAL AND RELEASED ON PERSONAL  
RECOGNIZANCE6. Provide more information about the decision or action you are challenging: STATE OF MICHIGAN(a) Name and location of the agency or court: 17<sup>TH</sup> JUDICIAL CIRCUIT, KENT COUNTY  
180 OTTAWA AVE. N.E., GRAND RAPIDS, MI 49503(b) Docket number, case number, or opinion number: 20-06877-FC

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

SAME AS NO. 5(d) Date of the decision or action: APRIL 7, 2021 AND AGAIN ON DEC. 1, 2021**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: MICHIGAN COURT OF APPEALS(2) Date of filing: MAY 12, 2021(3) Docket number, case number, or opinion number: 357137(4) Result: DENIED(5) Date of result: JULY 7, 2021(6) Issues raised: HABEAS CORPUS, BEING DENIED RIGHT TO  
SPEEDY TRIAL PURSUANT TO MCR 6.004 AND SPEED TRIAL  
ACT OF 1974, 188 STAT. 2080, DOGGETT V. UNITED STATES,  
505 U.S. 647 (1992) ALL PROTECTED BY 5<sup>TH</sup> AND 6<sup>TH</sup> AMENDMENT  
OF THE UNITED STATES CONSTITUTION



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OF THE UNITED STATES CONSTITUTION.

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

**8. Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: MICHIGAN SUPREME COURT(2) Date of filing: AUG. 23, 2021(3) Docket number, case number, or opinion number: 163464(4) Result: DENIED(5) Date of result: MARCH 8, 2022(6) Issues raised: SAME AS NO. 7

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

**9. Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not file a third appeal: THEIR IS NO OTHER COURT TO FILE AN APPEAL. THIS IS THE NEXT COURT TO ENFORCE MY RIGHTS PROTECTED BY U.S. CONSTITUTION.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
 (2) Case number: \_\_\_\_\_  
 (3) Date of filing: \_\_\_\_\_  
 (4) Result: \_\_\_\_\_  
 (5) Date of result: \_\_\_\_\_  
 (6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
 (2) Case number: \_\_\_\_\_  
 (3) Date of filing: \_\_\_\_\_  
 (4) Result: \_\_\_\_\_  
 (5) Date of result: \_\_\_\_\_  
 (6) Issues raised: \_\_\_\_\_

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: 1- I HAVE NOT BEEN TO TRIAL AND NOT BEEN SENTENCE AS OF THIS DATE.

2- I AM LOCKED UP IN KENT COUNTY JAIL AND BEING DENIED ACCESS TO COPY MACHINES, COMPUTERS, AND LAW LIBRARY BY SERGEANT EDWARDS.

3- I AM REQUESTING FOR THE COURT TO SEND ME THESE MOTION FORMS OR TO APPOINT AN ATTORNEY TO PROTECT MY CONSTITUTIONAL RIGHTS.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_



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- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** DENIAL (DEPRIVED) RELEASED ON PERSONAL  
 RECOGNIZANCE - PETITIONER IS OVER 68 YEARS OLD WITH NO  
 NO CRIMINAL HISTORY AT ALL, NOT EVEN A DUI. PETITIONER  
 IS NOT A FLIGHT RISK BECAUSE HE WAS ARRESTED WITH IN  
 100 FEET OF HIS MARRIAL HOME.



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(a) Supporting facts (Be brief. Do not cite cases or law.):

- 1- PETITIONER WAS ARRESTED IN SAME COUNTY THE WARRENT WAS ISSUED. (NOT A FLIGHT RISK)
- 2- PETITIONER CHARGE DOES NOT INCLUDE ANY BODILY HARM.
- 3- JUDGE BENSON STATED IN OPEN COURT THAT PETITIONER IS NOT A THREAT TO SOCIETY.
- 4- PETITIONER IS CHARGED WITH KIDNAPPING HIS 67 YEAR OLD WIFE

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ No

628 SPEEDY TRIAL ACT OF 1974

GROUND TWO: PETITIONER BEING DENIED (DEPRIVED) RIGHT TO SPEEDY TRIAL. SIXTH AMENDMENT OF U.S. CONSTITUTION PROVIDES "IN ALL CRIMINAL PROSECUTIONS THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL."

(a) Supporting facts (Be brief. Do not cite cases or law.): ALL FACTS FROM GROUND ONE AND

- 5- PETITIONER WAS ARRESTED ON AUGUST 23, 2020 AND HAS BEEN INCARCERATED 19 MONTHS ON MARCH 23, 2022, 20 MONTHS ON 4/23.
- 6- PETITIONER HAS ADVISED THE COURT INCLUDING AT STATUS CONFERENCE AND/OR OTHER DATES THAT HE WANTS TO PROCEED TO TRIAL.
- 7- PETITIONER HAS ASSERTED HIS RIGHTS TO A SPEEDY TRIAL IN OPEN COURT, IN MOTIONS AND APPEALS.
- 8- PETITIONER HAS EXHAUSTED ALL HIS REMEDIES IN APPEALS.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes☐ No

GROUND THREE: DENIAL OF SPEEDY TRIAL IS IDENTIFY BY FOUR FACTORS: LENGTH OF DELAY, REASON FOR DELAY, DEFENDANT'S ASSERTION OF HIS RIGHT, AND PREJUDICE TO THE DEFENDANT "BARKER V. WINGO, 407 U.S. 514, 530.

(a) Supporting facts (Be brief. Do not cite cases or law.): ALL FACTS LISTED 1 THOUGH 8

- 9- KENT COUNTY PROSECUTOR HAD PETITIONER'S WIFE MARTA JO STAMPONE AKA HIESHETTER BEING LISTED AS VICTIM/COMPLAINT AND AS A WITNESS, HAD THE OPPORTUNITY TO QUESTION HER AT PRELIMINARY EXAMINATION ON SEPT. 14, 2020, BUT CHOSE NOT TO. ONE YEAR LATER ON SEPT. 19, 2021 MARTA JO PAST AWAY.
- 10- THE VICTIM MUST GIVE TESTIMONY IN A KIDNAPPING CASE AND NOT THE VICTIM'S AGENT.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes☐ No



**GROUND FOUR:** ALL RESPONDENTS HAS SHOWN EXTREME PREJUDICE TO PETITIONER'S CASE IN A DIRECT AND INDIRECT WAY. IN A CRIMINAL CASE, THE DEFENDANT HAS THE RIGHT TO FACE THEIR ACCUSER AND CROSS EXAMINE THEM.

(a) Supporting facts (Be brief. Do not cite cases or law.): ALL FACTS LISTED 1 THOUGH 10 AND

11- MARTA JO NEVER GAVE ANY TESTIMONY AND/OR SIGNED ANY AFFIDAVITS ACCUSSING PETITIONER OF KIDNAPPING HER.

12- MARTA JO DID NOT EVEN SIGN THE COMPLAINT.

13- JUDGE SOLIMSKY REMOVED THE RESTRAINING CHARGE AT PRELIMINARY EXAMINATION ON SEPT. 14, 2020.

14- PETITIONER COOPERATED WITH POLICE AND DID NOT RESIST ARREST.

15- MCR 6.004 (b) THE COURT IS RESPONSIBLE FOR ITS CALENDAR NOT TO

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

VIOLATE DEFENDANTS RIGHTS TO SPEEDY TRIAL.

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: RESPONDENTS DIRECTLY AND INDIRECTLY DENIED (DEPRIVED) PETITIONER'S WIFE MARTA JO RIGHT TO LIVE JUST SO THEY CAN PROSECUTE PETITIONER, KEEP PETITIONER AND MARTA JO LOCKED UP SO THEY CAN NOT DEFEND THEM SELVES.  
FACTS CONTINUE AT BOTTOM OF PAGE

#### Request for Relief

15. State exactly what you want the court to do: PETITIONER REQUEST THE COURT TO RELEASE PETITIONER AND ALL CHARGES AGAINST PETITIONER BE DISMISSED WITH PREJUDICE FOR DENIAL (DEPRIVING) OF RIGHT TO SPEEDY TRIAL PROTECTED BY UNITED STATES CONSTITUTION AND GRANTED SUCH OTHER RELIEF AS MAY BE JUST FAIR AND EQUITABLE.

ALSO: REQUEST THE COURT TO ENTER AN ORDER TO INVESTIGATE THE MURDER OF MARTA JO.

#### FACTS CONTINUED

- 16 - PROSECUTOR CHRISTOPHER BECKER, BRITTAN AMANN AND JUDGE DAVID M. MURKOWSKI HAVE IN THEIR POSSESSION MARTA JO MEDICAL RECORDS FROM MAYO CLINIC AND SLOAN KETTERING STATING THAT MARTA JO IS VERY ALERT, ABLE TO MAKE HER OWN DECISIONS AND IS IN GOOD HEALTH EXCEPT FOR THOAT CANCER THAT CAN BE CURED. MARTA WAS LOCKED UP, ABANDONED, WAITING TO DIE BY BEING DENIED ALL CANCER TREATMENT.



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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: MARCH 24, 2022

Frederick Stampone

*Signature of Petitioner*

FREDERICK STAMPONE

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*Signature of Attorney or other authorized person, if any*

NAME: FRED STAMPONE  
KENT COUNTY CORRECTIONAL FACILITY  
703 BALL AVENUE N.E. M1-3  
GRAND RAPIDS, MI 49503



CLERK  
UNITED STATES DISTRICT COURT  
399 FEDERAL BUILDING  
110 MICHIGAN N.W.  
GRAND RAPIDS, MI 49503